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January 21, 2021

Via ECF

The Honorable Gregory H. Woods, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Sullivan, Jr. v. Doctor's Associates LLC et al*
Case No. 19-cv-00719
Motion to Compel Discovery

Dear Judge Woods:

We are counsel to Plaintiff in the above-referenced matter. Pursuant to Fed. R. Civ. P. 37 and Your Honor's individual rules, we write to request a pre-motion conference regarding Plaintiff's anticipated motion to compel Defendants to (1) schedule a deposition and (2) meet and confer regarding its discovery deficiencies.

As the Court made perfectly clear at today's conference, discovery has not been stayed notwithstanding Defendant's anticipated motion to dismiss. Nevertheless, Defendants' counsel Jason Mizrahi is making disingenuous excuses to delay this. We contacted him to schedule the deposition of Defendant Manchanda, asking for dates when he would be available. But Mr. Mizrahi refused to so much as discuss this on the grounds that paper discovery is still outstanding. Indeed it is, given the discovery deficiencies in Defendants' production. However, Plaintiff believes that what he has obtained so far suffices for the deposition of Defendant Manchanda. This is Plaintiff's call to make. Defendants are in no way prejudiced by Plaintiff's willingness to depose Defendant Manchanda before Defendants' discovery deficiencies are all sorted out. Given this, we can only conclude that Mr. Mizrahi is exploiting this issue to delay the aforesaid deposition in defiance of the Court's clear statement that discovery is not as of this date stayed.

As to Defendants' discovery deficiencies, Mr. Mizrahi is also needlessly delaying a much-needed meet and confer regarding them. The original meet and confer was scheduled for January 14, 2021. But in yet another procedural impropriety, Mr. Mizrahi abruptly canceled it that day, at the last minute, after filing what he mistakenly believed to be a motion to dismiss. Today, my associate Rony Guldmann reached out to Mr. Mizrahi to reschedule this as soon as possible, given the needless delays Mr. Mizrahi has already generated, and the latter was unwilling to meet until late next week.

We respectfully ask the Court to either set a pre-motion conference date or to simply compel Defendants to work with us in good faith to schedule a deposition and to meet and confer regarding discovery deficiencies by January 25, 2021.

We thank Your Honor for considering our request.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.